



Substitute House Bill No. 6592

Special Act No. 09-13

AN ACT AMENDING THE CHARTERS OF THE LORD'S POINT ASSOCIATION AND THE CORNFIELD POINT ASSOCIATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 1 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

(a) The owners of [a freehold interest in] record of any land within the limits hereinafter specified, in the locality known as Lord's Point, in the town of Stonington, shall be, while they shall continue to be owners of such land, a body politic and corporate under the name of Lord's Point Association, Incorporated. The owners and their successors shall be a corporation in law with all the powers and privileges of corporations as set forth in the general statutes and with the rights, powers, privileges and duties as provided in number 485 of the special acts of 1925, as amended by sections 15 to 21, inclusive, of special act 99-12, in number 534 of the special acts of 1935 and number 485 of the special acts of 1925, as amended by sections 15 to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act. Each owner shall be a member of the association provided such member is (1) an individual who has reached the legal age of majority in the state, or (2) an entity authorized to own real estate, including, but not limited to, corporations, partnerships or trusts.

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(b) Each member shall have one vote at any meeting of the association, except that joint owners of fractional or undivided interests in any land shall be considered to be one member for the purpose of voting and shall be entitled collectively to one vote. No member shall have more than one vote. A member that is an entity shall designate a principal of such entity as a representative, provided any such designation shall be submitted to the clerk in such form as approved and issued by the association in accordance with the bylaws of the association. Each representative shall represent one entity and shall be entitled to one vote. No one other than the representative of an entity shall exercise the voting privileges of the entity unless the entity properly notifies the clerk of the change in the representative.

Sec. 2. Section 2 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

The boundaries of the territory and limits of said Lord's Point Association, Incorporated, are defined as follows: On the north by land now or formerly of the New York, New Haven and Hartford Railroad Company, on the east by land now or formerly of John S. Palmer and on the south and west by Fisher's Island Sound.

Sec. 3. Section 5 of number 485 of the special acts of 1925, as amended by section 16 of special act 99-12, is amended to read as follows (*Effective from passage*):

Said association may sue and be sued and plead and be impleaded in all courts. It may own real estate and have a common seal and may, by a majority vote, provide, through by-laws, ordinance or otherwise, for the extinguishment of fires; oiling, sprinkling, care, repair and lighting of streets; planting of trees; laying of sidewalks and crosswalks; erection and maintenance of docks, breakwaters, retaining walls and bridges; dredging of harbors and creeks; care of beaches and waterfronts; maintenance of corporate property; regulation of

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peddling as provided for towns under section 422 of the general statutes; regulation of entertainments, concerts and celebrations; collection and disposal of garbage, ashes, refuse and night soil; the abatement and prevention of every kind of nuisance and public annoyance; the prevention and regulation of the carrying on within the limits of said association of any business prejudicial to public health or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity thereof; the establishment of building lines and the regulation of the construction of buildings, and may also prescribe fines and penalties for a violation of any such by-laws, ordinances or regulations, not less than [ten] one hundred dollars for any one offense, and the penalties may be recovered in any action brought for the purpose in the name of Lord's Point Association, Incorporated, before any court having jurisdiction, for the use and benefit of said association. [, and any violation of any such by-law or ordinance may be prosecuted by any grand juror or prosecuting attorney of the town of Stonington.]

Sec. 4. Section 6 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

The officers of said association shall consist of a president, vice-president, [treasurer,] clerk, treasurer and five directors, who shall compose the [executive committee,] board of directors and whose duties, in addition to those set out in [this act] number 534 of the special acts of 1935 and number 485 of the special acts of 1925, as amended by sections 15 to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act, shall be defined by the by-laws of the association. In case of a vacancy in any office, it may be filled for the unexpired portion of the term by majority vote of the remainder of the [executive committee] board of directors. The directors serving on the effective date of this section shall serve until the next annual meeting.

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Sec. 5. Section 7 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

Said [executive committee] board of directors may appoint and remove police officers to act within the limits of said association, who shall have the powers of constables within said limits, for the purpose of making arrests for violation of any law or regulation or by-law of said association. [, and said committee] The board of directors may fix the compensation of [such] (1) police officers [; may fix the compensation of the treasurer] under this section, (2) the president, vice-president, clerk and treasurer, and (3) any employee of the association. [and] The board of directors may authorize the treasurer to borrow money, in its behalf, and issue its obligations therefor, in an amount not exceeding five [percentum] per cent of the amount of its assessment list, hereinafter referred to.

Sec. 6. Section 8 of number 485 of the special acts of 1925, as amended by section 17 of special act 99-12, is amended to read as follows (*Effective from passage*):

[The first annual meeting of said association shall be held two weeks after the date of the adoption of this act, as hereinafter provided.] The annual meeting will be held on the last Saturday in May [at 8:00 p.m. in] of each year, at which time the officers shall be elected, reports presented, by-laws adopted and such other business transacted as may be contained in the call.

Sec. 7. Section 11 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

Said [executive committee] board of directors shall establish a public sign-post within the limits of said association.

Sec. 8. Section 13 of number 485 of the special acts of 1925, as amended by section 18 of special act 99-12, is amended to read as

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follows (*Effective from passage*):

The clerk of said association or clerk's designee, on or before [June] May first of each year, shall prepare an assessment list of all the real estate in said district, including therein the value of the houses, buildings and improvements thereon, placing in the name of each member of the association such land, buildings and improvements as are assessed to each member on the last [assessment] grand list of the town of Stonington, at the value at which they stand on such [assessment] grand list. When any piece of land so assessed in the list of the town of Stonington shall be partly within and partly without said district, such clerk shall assess the part within said district in the proportion which the part within the district bears to the whole tract so assessed, using his best judgment as to such value. Such clerk shall, on or before the second day of [June] May, report such list to the [executive committee] board of directors, which shall revise such list, and, if said [committee] board of directors shall find that in any particular it does not correspond with the last [assessment] grand list of the town of Stonington, or, if said [committee] board of directors shall find that there are any errors in the proportional valuation of such parts of any piece of property as are partly within and partly without the territory of said association, said [committee] board of directors shall correct the same, and said list, when so revised and if necessary corrected, shall be adopted by said [executive committee] board of directors, and shall then be and constitute the [assessment] grand list for said association. Such list shall be revised and completed and recorded by the clerk in the books of the association on or before the first day of July next succeeding, and such [assessment] grand list shall be open to inspection by any member of the association.

Sec. 9. Section 14 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

Any person claiming to be aggrieved by any such proportional

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valuation in such assessment by said [committee] board of directors may appeal to the superior court in the manner provided by the general statutes for appeals from boards of relief.

Sec. 10. Section 15 of number 485 of the special acts of 1925, as amended by section 19 of special act 99-12, is amended to read as follows (*Effective from passage*):

Said association, at its annual meeting or at any special meeting called for that purpose between the last Saturday in May and September first in any year, may, by a majority vote, lay a tax for the purpose of carrying out its objects as herein specified, not exceeding seven mills on the dollar of the total value of the property as shown by its assessment list hereinbefore provided for, which tax shall be collected by the treasurer or by any collector specially appointed by the [executive committee] board of directors for that purpose. [Each assessment so made, with interest thereon, shall be a debt due to said association from the owner or owners of land upon which it was made, as such ownership appears from the land or probate records of the town and district of Stonington on the first day of June before such assessment was made.]

Sec. 11. Section 16 of number 485 of the special acts of 1925, as amended by section 20 of special act 99-12, is amended to read as follows (*Effective from passage*):

Each tax imposed, with interest thereon, shall be a debt due to said association from the owner or owners of land upon which it was imposed. Written notice of the rate of such tax, and the amount apportioned to each member of the association, shall be sent by the treasurer or the treasurer's designee to each member of the association within ten days of the first day of the uniform fiscal year and such tax shall be due on July first and payable [within] not more than thirty days [from] after the sending of such notice, and, if such tax shall not

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be paid [when due,] by the thirtieth day after the due date, then it shall bear interest at the rate of eighteen percentum per annum from the date it was payable. The treasurer, or the treasurer's designee, shall have all the powers of collectors of town taxes, and shall be accountable to the [executive committee] board of directors in the same manner as town collectors are accountable to selectmen. Each such tax shall be a lien upon the property upon which it shall be laid, for [one year from] two years after the first day of June before such assessment was made. [, and may be collected by suit in the name of the association or by foreclosure of such lien.] Such lien may be continued by certificate which shall be recorded in the land records of the town of Stonington, pursuant to the provisions of the general statutes relating to the continuance of tax liens. The tax may be collected by suit in the name of the association or by foreclosure of such lien.

Sec. 12. Section 17 of number 485 of the special acts of 1925, as amended by section 21 of special act 99-12, is amended to read as follows (*Effective from passage*):

No contract which shall involve an expenditure of five per cent or more of the budget of the current fiscal year in any year shall be made by the president and directors, unless the same shall be specially authorized by a vote of the association. The president and directors shall not, within any year, make contracts or incur obligations which shall, in the aggregate, amount to more than the sum of five per cent of the budget of the current fiscal year, unless the same shall be authorized by a vote of the association. [, and the] The president and directors shall not borrow money without authority of the association.

Sec. 13. Section 18 of number 485 of the special acts of 1925 is amended to read as follows (*Effective from passage*):

[This act] The provisions of number 534 of the special acts of 1935 and number 485 of the special acts of 1925, as amended by sections 15

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to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act, shall not take effect until [it] said provisions shall have been adopted by a majority vote of the persons described in section [one of this act] 1 of number 485 of the special acts of 1925, as amended by section 1 of this act, voting as provided in section three of this act, which shall be present at a meeting called for that purpose by the [secretary] clerk of Lord's Point Association, by mailing a notice of said meeting to each of such land owners, so far as the same may be obtained from the tax collector of the town of Stonington, to his, her or its last known address, and by posting a notice thereof on the building containing the postoffice located within the limits of said association, not less than two weeks before the time of said meeting.

Sec. 14. (*Effective from passage*) Proposed amendments to number 534 of the special acts of 1935 and number 485 of the special acts of 1925, as amended by sections 15 to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act shall require approval by a majority vote of the persons described in section 1 of number 485 of the special acts of 1925, as amended by section 1 of this act, voting as provided in said section 1, who shall be present at the meeting. Any such meeting shall be called by the clerk of the Lord's Point Association for the purpose of amending number 534 of the special acts of 1935 and number 485 of the special acts of 1925, as amended by sections 15 to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act by (1) mailing a notice of the meeting to each of such land owners, according to the tax collector of the town of Stonington to the last-known address of the land owners, and (2) posting a notice thereof on the public signpost located within the limits of said association, not less than two weeks before the time of the meeting. Proposed amendments to sections 1 to 14, inclusive, of this act shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to planning and development for approval. The committee may hold a public hearing

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on the amendments and shall approve or reject such amendments not more than thirty days after the date of receipt of the amendments. If the committee does not take action on the amendments by such date the amendments shall be deemed approved. The proposed amendments shall take effect pursuant to the provisions of this section.

Sec. 15. Section 1 of number 467 of the special acts of 1943, as amended by section 1 of number 338 of the special acts of 1945, is amended to read as follows (*Effective from passage*):

The owners of record of land within the limits specified in section [two of this act] 2 of number 467 of the special acts of 1943, as amended by this act, in the locality known as Cornfield Point in the town of Old Saybrook, shall be, while they continue to be owners of such land, a body politic and corporate by the name of The Cornfield Point Association, and by that name they and their successors shall be a corporation in law, capable of suing and being sued, and pleading and be impleaded in all courts, and shall be vested with the powers hereinafter specified. Each member of the association, of the age of [twenty-one] eighteen years or over, not otherwise prohibited by law from voting, so long as he shall continue to own real estate in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. [Husbands and wives of] Spouses of and parties to civil unions with said owners who are not also owners shall be members of said association but shall not be empowered to vote at any meeting of said association except in the absence of said owners. All owners of any interest in any particular lot or parcel of real estate shall be considered as one owner for the purpose of voting and shall be entitled collectively to cast one undivided vote. The association may provide for voting by absentee ballot in the by-laws of the association.

Sec. 16. Section 2 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

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The limits of [said association] The Cornfield Point Association shall be that part of the town of Old Saybrook known as Cornfield Point, consisting of all lots or parcels of land as shown on the map of Cornfield Point Beach Club made for James J. Smith Company of Old Saybrook and New York City by Daball and Crandall, dated November, 1922, which map is on file in the office of the town clerk of the town of Old Saybrook. Said territory is bounded as follows: Beginning at a point in the high water line of Long Island Sound at the northwest corner of property formerly owned by F. W. McLean and adjoining Plum Bank, thence in a southerly direction along Long Island Sound to the point of land known as Lot No. 538 on said map; thence in an easterly direction along Long Island Sound to the easterly line of Lot No. 210; thence northerly along the easterly line of said lot to center line of Maple Avenue; thence along center line of Maple [avenue] Avenue in a northwesterly direction to central line of Summerfield [road] Road; thence along central line of Summerfield [road] Road in a northwesterly direction to Plum Bank [creek] Creek; thence in a westerly direction along Plum Bank [creek] Creek to a town ditch; thence continuing in a westerly direction to state highway No. 154; thence across said highway in a westerly direction to the easterly line of property of F. W. McLean; thence northerly along the easterly line of F. W. McLean; thence westerly along the northerly line of said McLean to the point of beginning.

Sec. 17. Section 6 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

[Notice of the time and place of said first meeting shall be signed by three of the persons named in section five and shall be sent by mail to each member of the association at least five days before the time appointed for said meeting. Said board of governors shall be elected by a plurality of the ballots cast at said meeting and the polls for the reception of such ballots shall be open from twelve o'clock noon until

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four o'clock in the afternoon on such appointed day.] At each annual meeting of the Cornfield Point Association, there shall be elected to the board of governors three members to serve three years until their successors are chosen. The board of governors shall be elected by a plurality of the ballots cast at said meeting. Any member of said board, who shall cease to have membership in said association within the meaning of this act, shall automatically cease to be a member of said board of governors. The board of governors is authorized to fill all vacancies on said board until the next annual meeting, at which time the members of the association shall elect a member to the board for the unexpired portion of the term.

Sec. 18. Section 7 of number 467 of the special acts of 1943, as amended by section 1 of special act 74-29 and section 1 of special act 79-80, is amended to read as follows (*Effective from passage*):

Annual meetings [thereafter] of the members of the Cornfield Point Association shall be held on the third Saturday in June, [, except that after July 1, 1980, such meetings shall be held during June,] Such meeting shall be at such time and place within the limits of [said association] the town of Old Saybrook as the board of governors may direct. [Any vacancy occurring in the membership of said board of governors, between annual meetings of the association, shall be filled by a majority of the remaining members of the board until the next annual meeting, at which time the members of the association shall elect as above prescribed a member of the board for the unexpired portion of the term] Notice of the time and place of such meeting, along with the agenda, shall be sent by mail to each member of the Cornfield Point Association at least fifteen business days before the time appointed for said meeting.

Sec. 19. Section 8 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

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The board of governors of the Cornfield Point Association shall consist of nine members and such board shall elect from its members a president and a vice president. [, and there shall be elected] The members of the association shall elect from the association membership [a] at the annual meeting or the board shall elect, if there is no election by the association, the following: A secretary, a treasurer and [an assistant treasurer] a tax collector for a term of three years. The president shall preside over all meetings of the board and the association and shall be the chief executive of the association. In the absence of the president, the vice president or secretary or treasurer shall preside. The secretary shall sign all warnings, notices, order and by-laws and shall keep a record of all action of said board and of said association. The treasurer shall keep an account of all moneys received and paid out and shall render a report at each annual meeting. [The assistant treasurer] An acting treasurer, appointed by the board from the membership, shall have all the powers of the treasurer in the absence of said treasurer. If the acting treasurer is also a board member, the acting treasurer shall retain the powers of a board member. The treasurer or acting treasurer shall [furnish] provide a bond in such amount as the board of governors shall, from time to time, determine, the premium on said bond to be paid by the association.

Sec. 20. Section 9 of number 467 of the special acts of 1943, as amended by section 2 of special act 79-80, is amended to read as follows (*Effective from passage*):

The fiscal year of the association shall be from [June] July first in one year to [May thirty-first] June thirtieth in the succeeding year, both dates inclusive. [except that, beginning on July 1, 1980, the fiscal year of the association shall be from July first in one year to June thirtieth in the succeeding year, both dates inclusive. The association may adopt a fiscal period of from June 1, 1980, to June 30, 1980, both dates inclusive,

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to facilitate the change in fiscal years, and shall otherwise comply with the provisions of chapter 110 of the general statutes. The association shall meet during June, 1980, for the fiscal year beginning July 1, 1980.]

Sec. 21. Section 11 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Notice of the annual [and special meetings] meeting of the [association] Cornfield Point Association shall be signed by the president or secretary and [may be] given by mail. [or personally. In case they are given by mail, written] Written notice of the time and place of such meetings shall be sent at least [five] fifteen business days before the time appointed by law, mailed in Connecticut and addressed to each member of said association at his last-known place of abode. Notice of all board meetings shall be posted on the bulletin board in front of the club house.

Sec. 22. Section 10 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Special meetings of the [association] Cornfield Point Association may be called by the president and shall be called at the written request of any twenty members thereof by the president or secretary, who shall, within [five] fifteen business days after receipt of any such request, cause notice thereof to be given, provided notice of any special meeting shall specify the object for which such meeting is called.

Sec. 23. Section 13 of number 467 of the special acts of 1943, as amended by number 56 of the special acts of 1949, number 10 of the special acts of 1957, section 2 of special act 74-29, special act 76-36, special act 87-58 and special act 89-35, is amended to read as follows (*Effective from passage*):

The board of governors of the Cornfield Point Association shall prepare and submit to said association at each annual meeting a budget

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and recommend [an] a tax assessment for the purpose of and based upon said budget, but not to exceed five hundred dollars on each lot of land having a dwelling or cottage thereon located within the limits of the association, and not to exceed one hundred dollars on each vacant lot located within the limits of said association, as the same shall appear of record on October first preceding. Said association shall have the power to decrease said budget and rate of tax assessment recommended by said board of governors, but in no case shall it have the power to increase the budget and rate of tax assessment. The rate of tax assessment recommended by the board of governors shall be final unless decreased by the association at such annual meeting. The [treasurer] tax collector of said association shall collect such tax assessments and a [rate book] tax record shall be [made out] kept and signed by the [clerk] secretary of said association on or before the [second] first Saturday of [July] October in each year and warrants may be issued for the collection of money due on the [rate] annual bills, pursuant to the provisions of section [168f of the 1941 supplement to] 12-145 of the general statutes. Such tax assessment shall be a lien upon the property upon which it shall be laid and such lien may be continued by certificate and shall be recorded on the land records of the town of Old Saybrook pursuant to the provisions of the general statutes relating to continuance of tax liens.

Sec. 24. Section 14 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Written notice of the rate of such tax assessment and of the amount apportioned to each member of the [association] Cornfield Point Association shall be sent by the [treasurer] tax collector within ten days from the laying of such tax assessment, and such tax assessment shall be due and payable on July [twenty-first] first in each year. [and if] If such tax assessment is not paid [when due] on or before July thirty-first, it shall bear interest at the rate [of five-tenths of one percent for each month from the date when so payable] specified in section 12-146

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of the general statutes.

Sec. 25. Section 17 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

The restrictions, at the time of the passage of [this act] number 467 of the special acts of 1943, as amended, applying to property within the limits of the [association] Cornfield Point Association as noted in deeds shall remain in force until changed as hereinafter provided, but in no case shall such restrictions be removed prior to the date provided in such deeds. The existing restrictions contained in deeds may be extended in time from the date of expiration thereof, but nothing herein shall be construed as authorizing the board of governors or the association to change restrictions in deeds. [The board of governors shall appoint a member of the association, whose duty it shall be to inspect all plans for proposed buildings, and from time to time inspect such buildings during process of erection to determine their conformance to the restrictions and by-laws. Appeals from the rulings of said building inspector may be taken to the board of governors. Property owners seeking approval of such plans shall pay a fee of one dollar at the time such approval shall be given. Failure to build to plans as approved shall constitute a violation of the by-laws and regulations of said association, and the board of governors may petition any court having jurisdiction to direct the demolition of that part of the structure erected contrary to such approved plans and the erection in lieu thereof of the building conforming to the approved plans.]

Sec. 26. Section 18 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

If any provision of the by-laws or regulation or ordinances adopted by The Cornfield Point Association shall conflict with any provision of any lawful ordinance of the town of Old Saybrook, the ordinance of

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said town shall prevail and supersede the by-law or regulation of said association. Any tax liens levied by said town of Old Saybrook on property within the limits of The Cornfield Point Association shall have priority over any liens for tax assessments levied on the same property by said association.

Sec. 27. Section 4 of number 467 of the special acts of 1943 and section 5 of the special acts of 1943, as amended by section 2 of number 338 of the special acts of 1945, are repealed. (*Effective from passage*)

Approved July 8, 2009